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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/728,430	11/30/2000	Mehryar Khalili Garakani	2705-130	6082
20575	7590	01/26/2006		
MARGER JOHNSON & MCCOLLOM, P.C. 210 SW MORRISON STREET, SUITE 400 PORTLAND, OR 97204			EXAMINER TSEGAYE, SABA	
			ART UNIT 2662	PAPER NUMBER

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/728,430

Applicant(s)

GARAKANI ET AL.

Examiner

Saba Tsegaye

Art Unit

2662

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This Office Action is in response to the amendment filed on 11/22/05. Claims 21-34 are pending. Currently no claims are in condition for allowance.

2. Claims 21-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Fayad et al. (US 6,757,250) hereafter Fayad.

Regarding claim 21, Fayad discloses a method of negotiating maximal data compression of a modem relay channel, comprising:

determining a maximal data compression on a first leg (gateway modem 306 receives a local call from modem 302; data link protocols such as V.42 and the like are suitably provided between modem 302 and gateway 306);

notifying a gateway on a second leg of the maximal data compression on the first leg (gateway 306 contact and notify gateway 308);

waiting until the gateway on the second leg has negotiated an end-to-end maximal data compression using the maximal data compression of the first leg (306 occupies a "wait state" gateway 308 contact modem 304 with a given set of capabilities); and

transmitting data using the end-to-end maximal data compression (information frames can be suitably passed from modem 302 to modem 304) (column 6, line 52-column 7, line 20; column 9, lines 35-50; column 11, lines 31-46) .

Regarding claim 22, Fayad discloses the method further comprising delaying negotiations on the second leg until a maximal data compression on the first leg has been determined (column 9, lines 46-50).

Regarding claims 23, 29 and 34, Fayad discloses the method further inherently comprising storing the end-to-end maximal compression parameters (negotiation posture) in memory (column 11, lines 31-3).

Regarding claim 24, Fayad discloses the method further inherently comprising using the end-to-end maximal compression parameters stored in memory to prevent renegotiation by either the first leg or the second leg (column 11, lines 31-3).

Regarding claim 25, Fayad discloses the method determining a maximal data compression on a first leg further comprising determining a maximal data compression on a called leg (data link protocol V.42 is utilized alone between modem 304 and gateway 308), and notifying a gateway on the second leg further comprising notifying a gateway on the calling leg prior to determining a maximal data compression on the second leg such that the maximal data compression from the called leg is used to negotiate a maximal data compression on the calling leg (gateways 306 and 308 negotiate on behalf of modems 302 and 304 the set of protocols to be utilized, and then establish the connections with their respective modems 302 and 304).

Regarding claim 26, Fayad discloses the method further comprising delaying negotiations on the calling leg until notification is received from the called leg (column 11 lines 31-37).

Regarding claim 27, Fayad discloses the method determining a maximal data compression on a first leg further comprising negotiating a maximal data compression on a calling leg and determining a maximal data compression on a second leg further comprising determining a maximal data compression on a called leg (column 11 lines 31-46).

Regarding claims 28 and 33, Fayad discloses, in figs. 3, 4 and 6, a network device, comprising:

- a connector (306) to allow the device (302) to connect to a network (314) and receive a signal from a remote gateway (308) of a maximal data compression on a remote leg ();

- a local proxy negotiation mechanism to delay data compression negotiations until the signal is received (column 11 lines 31-37);

- a first-pass negotiation mechanism to negotiate a local maximal data compression based upon the maximal data compression on the remote leg (column 11 lines 31-46); and

- a signaling mechanism to signal the remote gateway that negotiations are complete (column 11, lines 47-62).

Regarding claim 30, Fayad discloses an article of computer-readable media containing a program (column 3, lines 18-28) that, when executed causes a computer to:

determine a maximal data compression on a first leg (gateway modem 306 receives a local call from modem 302; data link protocols such as V.42 and the like are suitably provided between modem 302 and gateway 306);

notify a gateway on a second leg of the maximal data compression on the second leg (gateway 306 contact and notify gateway 308);

waiting until the gateway on the second leg has negotiated and end-to-end maximal data compression using the maximal data compression of the second leg (306 occupies a "wait state" gateway 308 contact modem 304 with a given set of capabilities); and

transmitting data to the gateway on the second leg using the maximal end-to-end data compression (column 11, lines 38-44).

Regarding claim 31, Fayad discloses the program further inherently comprising storing the end-to-end maximal compression parameters (negotiation posture) in memory (column 11, lines 31-3).

Regarding claim 32, Fayad discloses the program further inherently comprising using the end-to-end maximal compression parameters stored in memory to prevent renegotiation by either the first leg or the second leg (column 11, lines 31-3).

### ***Response to Arguments***

3. Applicant's arguments with respect to claims 21-34 have been considered but are moot in view of the new ground(s) of rejection.

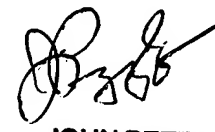
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saba Tsegaye whose telephone number is (571) 272-3091. The examiner can normally be reached on Monday-Friday (7:30-5:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on (571) 272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ST  
January 19, 2006

  
**JOHN PEZZLO**  
**PRIMARY EXAMINER**